

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOHN ACKER et al.,

Case No. 08-11261

Plaintiffs,

Honorable Arthur J. Tarnow

v.

DOEREN MAYHEW & COMPANY
PROFESSIONAL CORPORATION et al.,

Defendants.

ORDER DENYING DEFENDANTS' MOTIONS TO DISMISS [26], [27], [80], [83], [84]

Before the Court are Defendants' Motions to Dismiss [26], [27], [80], [83], and [84].

These matters came on for a hearing on September 29, 2010.

For the reasons stated on the record and in the briefs,

IT IS HEREBY ORDERED that Defendants Doeren Mayhew's, Todd R. Fox's, and James P. O'Riley's Joint Motion to Dismiss Second Amended Complaint [26] is DENIED without prejudice.

IT IS FURTHER ORDERED that Defendants SamJack Investment's, Joann Fox's, and Nancy O'Riley's Motion to Dismiss [27] is DENIED without prejudice.

IT IS FURTHER ORDERED that Defendant Doeren Mayhew's Motion to Dismiss *Birchfield* Complaint [80] is DENIED without prejudice.

IT IS FURTHER ORDERED that Defendants SamJack Investment's, Joann Fox's, and Nancy O'Riley's Motion to Dismiss [83] is DENIED without prejudice.

IT IS FURTHER ORDERED that Defendants Todd R. Fox's and James P. O'Riley's Motion to Dismiss [84] is DENIED without prejudice.

SO ORDERED.

S/ARTHUR J. TARNOW

Arthur J. Tarnow

Senior United States District Judge

Dated: September 29, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 29, 2010, by electronic and/or ordinary mail.

S/LISA M. WARE

Case Manager